

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.  
PXE-013.US; 9400-0013

In Re Application Of: Kevin P. FRANCIS et al.

Serial No.  
09/888,049

Filing Date  
JAN 15 2002  
JUNE 21, 2001

Examiner  
Unassigned

Group Art Unit  
Unassigned

Invention: **COMPOSITIONS AND METHODS FOR USE THEREOF IN MODIFYING THE  
GENOMES OF MICROORGANISMS**

**COPY OF PAPERS  
ORIGINALLY FILED**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
August 28, 2001  
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

Sequence Listing (paper copy and disk); Declaration Under 37 C.F.R. § 1.825

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

### Box Missing Parts

☒ Completion of application fees as calculated below:

☒ Utility application filing fee

**\$740.00**

☐ Design application filing fee

☒ Total number of independent claims = 5

**\$168.00**

☒ Total number of claims = 59

**\$702.00**

- ☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath

**\$130.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

**Total completion of application fees                      \$1,740.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month      ☐ Two months      ☐ Three months      ☐ Four months      ☐ Five months

from: \_\_\_\_\_ until: \_\_\_\_\_  
Date Date

Total time extension fees

Total fees due                      **\$1,740.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
PXE-013.US; 9400-0013

In Re Application Of: **Kevin P. FRANCIS et al.**

Serial No.  
09/888,049

Filing Date  
June 21, 2001

Examiner  
Unassigned

Group Art Unit  
Unassigned

Invention: **COMPOSITIONS AND METHODS FOR USE THEREOF IN MODIFYING THE  
GENOMES OF MICROORGANISMS**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Box Missing Parts

The fee of **\$1,740.00** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **18-1648**  
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.

*Gary R. Fabian*  
Signature

**Gary R. Fabian, Ph.D.  
Reg. No. 33,875  
Agent for Applicants**

Dated: **29 Oct 2001**

I certify that this document and fee is being deposited on **Oct 29, 2001** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Susan LaMont*  
Signature of Person Mailing Correspondence

*Susan LaMont*  
Typed or Printed Name of Person Mailing Correspondence

cc:

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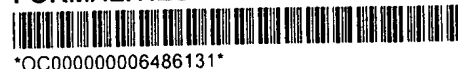
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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/888,049	06/21/2001	Kevin P. Francis	PXE-013.US

CONFIRMATION NO. 6970

FORMALITIES LETTER



\*OC000000006486131\*

XENOGEN, INC.  
860 Atlantic Avenue  
Alameda, CA 94501

Date Mailed: 08/28/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$862.
  - \$702 for 39 total claims over 20.
  - \$160 for 2 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1702.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

01/22/2002 BHABTEW 00000041 09688049

01 FD:101	740.00 OF
02 FD:102	160.00 OF
03 FD:103	702.00 OF
04 FD:104	160.00 OF

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in cursive script, appearing to read "Ahmad", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE